

Proceeding Memorandum/Order of Court

Ch: 7

MOVANT/APPLICANT/PARTIES:

#203 Emergency Motion filed by Debtor Andre Bisasor for Stay of State Court Proceeding.
(lkaine, Usbc)

OUTCOME:

☐ Granted ☐ Denied ☐ Approved ☐ Sustained
☐ Denied ☐ Denied without prejudice ☐ Withdrawn in open court ☐ Overruled
☐ OSC enforced/released
 Continued to: _____ For: _____
 Formal order/stipulation to be submitted by: _____ Date due: _____
 Findings and conclusions dictated at close of hearing incorporated by reference
 Taken under advisement: Brief(s) due _____ From _____
 Response(s) due _____ From _____
 Fees allowed in the amount of: \$ _____ Expenses of: \$ _____
 No appearance/response by: _____
 x DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

The Court hereby orders the Chapter 7 Trustee 1) to review the Debtor's state court action, captioned *Bisator v. Slavenskoj, et al.*, C.A. No. 14-3606C, which is pending in the Suffolk Superior Court and 2) to file a statement, no later than November 9, 2016 at 3:00 pm, as to whether he intends to pursue the action as the estate representative and substituted plaintiff, whether the action is exempt under 11 U.S.C. Sec. 522, or whether he intends to abandon the asset. pursuant to 11 U.S.C. Sec. 554. The Court observes that this action was pending in the Superior Court when the Debtor commenced his Chapter 13 bankruptcy case which was filed on August 27, 2015. The Debtor removed the action to the United States District Court for the District of Massachusetts (1:16-cv-10105-DJC) after the conversion of his Chapter 13 case to a case under Chapter 7. The District Court remanded the matter to the Suffolk Superior Court where a motion to dismiss by certain defendants is scheduled to be heard on November 10, 2016. The remand order is the subject of an appeal to the United States Court of Appeals for the First Circuit (Case No. 16-1977) which has issued an order to show cause why the appeal should not be dismissed for lack of jurisdiction.

IT IS SO NOTED:

Courtroom Deputy

IT IS SO ORDERED:

Joan H. Feeney

Dated:11/09/2016

Joan N. Feeney, U.S. Bankruptcy Judge